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Attorney for Defendants Polk County and,  
Deputy Michael H. Smith

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KEVIN BRATCHER,

Case No. 3:20-cv-02056-SB

Plaintiff,

v.

POLK COUNTY; CITY OF SALEM;  
DEPUTY MICHAEL H. SMITH, in his  
individual capacity; and DOES 1-4, in their  
individual capacity,

**DECLARATION OF SERGEANT  
JASON BALL IN SUPPORT OF  
COUNTY DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

Defendants.

I, Sergeant Jason Ball, hereby declare under penalty of perjury that the following is true and correct:

1. I am currently a Sergeant at the Polk County Sheriff's Office. I have worked as a sworn law enforcement officer with Polk County since May of 2015. This Declaration is offered for the purposes of presenting testimony in support of the material facts relevant to and in support of County Defendants' Motion for Summary Judgment. I would testify to the truth of these matters at any proceeding in this case.

2. On September 6, 2019, at approximately 10:30 a.m., I was the on-duty supervisor for the Polk County Sheriff's Office and received a telephone call from plaintiff. Plaintiff told me that he wanted to speak with a sergeant regarding Deputy Michael Smith attempting to serve him with civil service for his wife. Plaintiff told me that Deputy Smith was rude and unprofessional. He also told me that his wife is out of state, which I later learned to be untrue as she was at work.

3. After speaking with plaintiff, I contacted Polk County Civil Deputy Jay M. Schmoyer and asked if the Sheriff's Office had received a cancellation for the civil paperwork that Deputy Smith attempted to serve plaintiff. Deputy Schmoyer told me that no cancellation had been received. Deputy Schmoyer further advised me that if we knew plaintiff lived at the residence, he could be sub-served.

4. After speaking with Deputy Schmoyer, I called Deputy Smith and told him about the complaint I had received from plaintiff. I also told Deputy Smith that I had spoken with Deputy Schmoyer who said that if we knew plaintiff lived at the residence, he could be sub-served. In addition, I suggested that Deputy Smith return to plaintiff's home and smooth it over and give plaintiff the service documents.

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 27<sup>th</sup> day of January, 2022.

s/Jason Ball  
Sergeant Jason Ball  
Polk County Sheriff's Office

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DECLARATION OF SERGEANT JASON BALL IN SUPPORT OF COUNTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON on:

Kevin T. Lafky  
Tonyia J. Brady  
Lafky & Lafky  
429 Court Street NE  
Salem, OR 97301  
Attorneys for Plaintiff

Jennifer M. Gaddis  
City of Salem Legal Department  
555 Liberty St. SE, Room 225  
Salem, OR 97301  
Attorney for City of Salem

by the following indicated method or methods:

- ☒ by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;
- by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;
- by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 28<sup>th</sup> day of January, 2022.

s/Kenneth S. Montoya  
Kenneth S. Montoya, OSB #064467  
Attorney for Defendant Polk County

CERTIFICATE OF SERVICE